

FILED 13 DEC '18 11:45 USDC-ORE

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Oregon

United States of America

v.

Case No.

6:18-MJ-255-mk

PHILLIP JAMES RAKOWSKI

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 13, 2018 in the county of Linn in the
District of Oregon, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 922(g)(1)

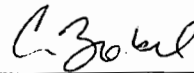
Felon in Possession of a Firearm

21 U.S.C. §§ 841(a)(1), (b)(1)(B)
(viii)

Possession with Intent to Distribute Methamphetamine

This criminal complaint is based on these facts:

Please see attached affidavit of ATF SA Carmen Zobel.

☒ Continued on the attached sheet.*Complainant's signature*

Carmen Zobel, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

12/13/18

City and state:

Eugene, Oregon*Judge's signature*

Mustafa T. Kasubhai, United States Magistrate Judge

Printed name and title

DISTRICT OF OREGON: AFFIDAVIT OF Special Agent Carmen R. Zobel

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Carmen R. Zobel, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and have been since May 2015. I am assigned to the Eugene, Oregon, Field Office where I investigate violations of Federal firearms and controlled substances laws. I completed the Federal Law Enforcement Training Center Criminal Investigators Training Program and the ATF National Academy Special Agent Basic Training Program, during which I received instruction relating to the investigating Federal firearms violations. As an ATF Special Agent, I conducted investigations concerning the unlawful possession of firearms, narcotics trafficking, firearms trafficking, and the commission of violent crimes.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for Phillip James RAKOWSKI ("RAKOWSKI") DOB: XX/XX/1972. As set forth below, there is probable cause to believe, and I do believe, that RAKOWSKI committed the crime of Possession with Intent to Distribute Methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(viii), and Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1).

Applicable Law

3. Title 21 U.S.C. § 841(a)(1), (b)(1)(B)(viii): Except as authorized by this subchapter, it shall be unlawful for any person knowingly or intentionally to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance. I know that methamphetamine is a Schedule II controlled substance

4. Title 18 U.S.C. § 922(g)(1) provides in relevant part that after having been

convicted of a crime punishable by imprisonment for over one year, it is unlawful to possess a firearm that has been previously shipped or transported in interstate or foreign commerce.

Statement of Probable Cause

5. On December 13, 2018, a search warrant signed by United States Magistrate Judge Mustafa Kasubhai was executed 650 F Street, Apartment A, Lebanon, Oregon 97355. When officers entered the two-bedroom apartment, RAKOWSKI was located in the living room. During the search of the apartment, officers recovered a firearm, a Glock .40 caliber pistol, tucked in a chair cushion in a bedroom. RAKOWSKI identified the bedroom as his, and also advised that his fingerprints would be on the gun. He also advised that he shares the gun with his roommate. RAKOWSKI also initially identified himself as Thumper, which is listed as an alias in RAKOWSKI's criminal history.

6. I know from my training and experience that Glock pistols are not manufactured in Oregon and would necessarily have to be transported in interstate or foreign commerce if recovered in Oregon.

7. During the search of RAKOWSKI's bedroom officers also recovered a bag of a substance that appeared to be methamphetamine weighing 285.5 grams. The substance was subsequently field-tested, testing presumptive positive for methamphetamine. RAKOWSKI advised police that he received the methamphetamine from a man in Salem. Officers also observed packaging materials and a scale from his bedroom.


8. I have reviewed RAKOWSKI's criminal history and learned that RAKWOSKI was convicted of 3rd Degree Felony Assault in February 9, 2010 in Linn County, Oregon and sentenced to 13 months in Jail. RAKOWSKI was convicted of Burglary on June 8, 2007 in Linn County and

sentenced to 19 months jail. RAKOWSKI has additional felony convictions for 2nd degree Assault, Unlawful Possession of Methamphetamine, Unlawful Delivery of Methamphetamine, and Unlawful Use of a Motor Vehicle.

Conclusion

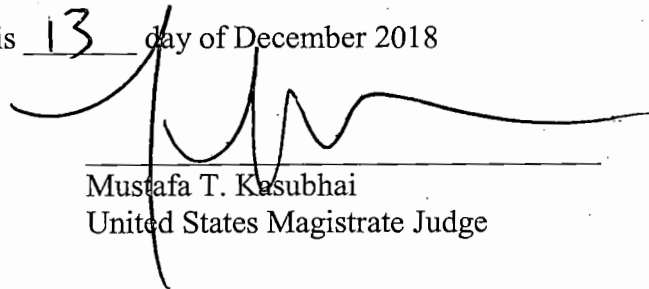
10. Based on the foregoing, I have probable cause to believe, and I do believe, that Phillip James RAKOWSKI committed the crime of Possession with Intent to Deliver Methamphetamine, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B)(viii), and Possession of a Weapon by a Felon in violation of 18 U.S.C. § 922(g)(1). I therefore request that the Court issue a criminal complaint and arrest warrant for Phillip James RAKOWSKI.

11. Assistant United States Attorney Pamela Paaso reviewed this affidavit and concurs that there is probable cause to arrest RAKOWSKI for this offense.



Carmen R. Zobel
ATF Special Agent

Subscribed and sworn to before me this 13 day of December 2018



Mustafa T. Kasubhai
United States Magistrate Judge